

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GARRICK HARRINGTON,

CASE NO. 1:05-cv-00624-OWW-LJO PC

Plaintiff,

**ORDER FINDING SERVICE OF AMENDED
COMPLAINT APPROPRIATE, AND
DIRECTING CLERK'S OFFICE TO SEND
SERVICE DOCUMENTS TO PLAINTIFF**

A. K. SCRIBNER, et al.,

(Doc. 18)

Defendants.

**PLAINTIFF TO COMPLETE AND RETURN
SERVICE DOCUMENTS WITHIN THIRTY
DAYS**

Plaintiff Garrick Harrington (“plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on May 11, 2005. In a separate order issued concurrently with this order, the court screened plaintiff’s amended complaint pursuant to 28 U.S.C. § 1915A and found that it states cognizable claims for relief under section 1983 against defendants Hicks, Furholdt, Wood, and Lowden for violating the Eighth Amendment, and against defendants Yamamoto, Poulos, and Scribner for violating the Equal Protection Clause.¹ Fed. R. Civ. P. 8(a); Swierkiewicz v. Sorema N. A., 534 U.S. 506, 512-15 (2002); Austin v. Terhune, 367 F.3d 1167, 1171 (9th Cir. 2004); Jackson v. Carey, 353 F.3d 750, 754 (9th Cir. 2003); Galbraith v. County of Santa Clara, 307 F.3d 1119, 1125-26 (9th Cir. 2002). Accordingly, it is HEREBY ORDERED that:

¹ In a separate order issued concurrently with this order, plaintiff's claims against defendant Sheppard-Brooks, and defendant Sheppard-Brooks, were dismissed.

1. Service is appropriate for the following defendants:

2 C/O D. HICKS

3 SGT. FURHOLDT

4 LT. L. L. WOOD

5 CPT. R. R. LOWDEN

6 ASSOCIATE WARDEN A. YAMAMOTO

7 CHIEF DEPUTY WARDEN M. E. POULOS

8 WARDEN A. K. SCRIBNER

9 2. The Clerk of the Court shall send plaintiff seven (7) USM-285 forms, seven (7)

10 summonses, a Notice of Submission of Documents form, an instruction sheet and a
11 copy of the amended complaint filed April 28, 2006.

12 3. Within **thirty (30) days** from the date of this order, plaintiff shall complete the
13 attached Notice of Submission of Documents and submit the completed Notice to the
14 court with the following documents:

15 a. Completed summons;

16 b. One completed USM-285 form for each defendant listed above; and

17 c. Eight (8) copies of the endorsed amended complaint filed April 28, 2006.

18 4. Plaintiff need not attempt service on defendants and need not request waiver of
19 service. Upon receipt of the above-described documents, the court will direct the
20 United States Marshal to serve the above-named defendants pursuant to Federal Rule
21 of Civil Procedure 4 without payment of costs.

22 5. The failure to comply with this order will result in a recommendation that this action
23 be dismissed.

25 IT IS SO ORDERED.

26 Dated: February 9, 2007
b9ed48

27 /s/ Lawrence J. O'Neill
28 UNITED STATES DISTRICT JUDGE